

This Office action relates to the amended claims filed 10/23/07.

Comment

In response to applicant's arguments filed 2/29/08, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is teaching, suggestion, or motivation to do so is found in the references themselves. However, it can also be established by knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the instant case the motivation is from well-established principle of bioisosteres equivalents.

However, the prior art by Robertson et al., US 4,956,388, fails to provide reason for selecting its compound for modification because, the compound is not disclosed as the lead compound, best-performing, especially important, or preferred compound. *In re Takeda*, 83 USPQ2d 1169 (CAFC 2007).

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taofiq A. Solola, PhD. JD., whose telephone number is (571) 272-0709.

Art Unit: 1625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on (571) 272-0867. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

/Taofiq A. Solola/

Primary Examiner, Art Unit 1625

June 3, 2008